

VZCZCXYZ0009
OO RUEHWEB

DE RUCNDT #0401/01 1420027
ZNY CCCCC ZZH
O 220027Z MAY 07
FM USMISSION USUN NEW YORK
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1933
INFO RUEHKK/ARAB ISRAELI COLLECTIVE IMMEDIATE
RUEHEE/ARAB LEAGUE COLLECTIVE IMMEDIATE
RUEHZL/EUROPEAN POLITICAL COLLECTIVE IMMEDIATE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE IMMEDIATE

C O N F I D E N T I A L USUN NEW YORK 000401

SIPDIS

SIPDIS
SENSITIVE

FOR IO AND NEA FRONT OFFICE

E.O. 12958: DECL: 05/21/2017
TAGS: [PREL](#) [PTER](#) [UNSC](#) [SY](#) [LE](#)
SUBJECT: LEBANON TRIBUNAL: CHATAH CONSULTS P-3 AND OTHERS
ON NEXT STEPS

REF: USUN 399

Classified By: Ambassador Alejandro D. Wolff, per 1.4 (b) and (d).

¶1. (C) Summary and Comment: P-3 Ambassadors met May 21 with GOL Foreign Policy Advisor Mohamad Chatah, who said the recent violence in Lebanon argued for accelerating action in the Security Council. Chatah said the GOL would prefer a vote on the tribunal May 25 even if it meant the resolution received only 9-10 votes. Chatah subsequently met with the Russian and Qatari PermReps, who raised familiar concerns about the legal and political consequences of Council action.

Chatah is scheduled to meet representatives of China, Indonesia, Italy, Panama, Peru, Slovakia, and South Africa on May 22. The Lebanese also remain in close contact with the UN's Office of Legal Affairs (OLA). Separately, the Qatari mission made a half-hearted effort May 21 to seek a Security Council press statement on the bombings in Lebanon, an effort that could be construed as a delaying tactic.

¶2. (C) The P-3 expect to formally table the resolution in the Council on May 23 and schedule a vote as early as May 25. Acting Foreign Minister Mitri is scheduled to arrive May 23. The Lebanese mission plans to host a P-3 breakfast with PermReps on May 23 followed by an afternoon meeting of experts to review the lobbying effort and the anticipated vote count. Based on these meetings, we will be able to judge any need for revisions to the text and whether we can meet the May 25th target date. P-3 Ambassadors suggested to Chatah it would be helpful if Prime Minister Siniora postponed his trip to Jakarta scheduled for this week and focused on reaching out to leaders in Security Council states more likely to support the tribunal resolution. USUN recommends that Siniora also urge the Saudis to engage at a senior level with key states and urge other like-minded Arab leaders to do the same. USUN also recommends that calls by regional Assistant Secretaries take place by May 23, with more senior calls by the Secretary and others around May 24. End Summary and Comment.

Chatah and P-3

¶3. (C) During a meeting with P-3 Ambassadors on May 21, GOL Foreign Policy Advisor Mohamad Chatah argued that, in light of the recent fighting between the Lebanese Armed Forces and Fatah al-Islam in Tripoli as well as the bombings in Beirut, the tribunal UNSCR should be adopted as soon as possible. The GOL would prefer a resolution with 9-10 votes on May 25 than a resolution with possibly 12 or more votes on June 1. P-3 Ambassadors agreed that a May 25 vote was a good target

and that we should re-assess our position on May 23, following P-3 demarches in UNSC capitals. They also agreed that if we push for a vote on May 25, we should formally table the draft in the Council May 23, or May 24 at the latest. Chatah said that GOL Acting Foreign Minister Tariq Mitri, along with GOL Ambassadors-designate to the U.S. and the UN, would arrive in New York on May 23 to supplement the P-3 lobbying effort with UNSC members. Chatah also reported that PM Siniora still planned to leave for Indonesia on the evening of May 23, but said the Prime Minister could change his plans if the P-3 advised that his presence was needed in Beirut to place phone calls to UNSC heads of state or government.

¶4. (C) Reviewing P-3 bilateral discussions with UNSC members on May 18, French PR de la Sabliere and Ambassador Khalilzad agreed we should focus on securing support from Panama, Peru, Congo, and Ghana in order to reach the necessary nine votes in the Council. They also noted that Peru and Panama have serious legal concerns about the text, while Congo has concerns about the consequences for Lebanon's stability of establishing the tribunal under Chapter VII. The two Ambassadors judged that South Africa, Indonesia, Qatar, Russia, and China are all unlikely to support the draft resolution. Therefore, they recommended that the GOL continue to lobby those countries, but focus its primary efforts on those African and Latin countries more likely to support the resolution and whom we need to obtain 9 votes. The UK reported that Ghana, despite expressing preliminary support for the draft resolution on May 18, clarified over the weekend that its Foreign Minister might have legal concerns about the draft. Accra has not yet finalized instructions for its mission in New York.

¶5. (C) When asked about a Panamanian suggestion to leave the

door open for the Lebanese parliamentary process to succeed even after the adoption of the resolution (reftel), Chatah said the GOL could accept language stipulating that the tribunal will be established by a certain date -- he mentioned either May 31st or June 5th as possibilities -- unless the Lebanese parliament acts to ratify the UN-GOL agreement and statute before that time. He also said that the GOL did not have a preference between the "light" option of bringing the agreement into effect and the "heavy" option of the Council deciding to establish the tribunal. All that Lebanon cared about, Chatah emphasized, was that the resolution be adopted quickly.

Lebanese Lobbying Report

¶6. (C) Lebanese Charge Caroline Ziade reported to USUN May 21 that Chatah had met Russian PR Churkin, who said the Russian delegation wanted to engage at an expert level on questions related to how matters related to establishment of the tribunal -- chiefly the appointment of judges and location of the tribunal -- would be addressed if the Lebanese parliament remained blocked. He also said Russia feared that by adopting this resolution the Security Council is playing the role of the Lebanese parliament. He reported that the "joke" among Security Council members is that this effort will serve as a precedent for the Council to impose the Kyoto Treaty on the United States. Nonetheless, Churkin committed to a serious review of the resolution. Russian DPR Dolgov told USUN separately that Moscow also has a serious problem with a Chapter VII resolution.

¶7. (C) Ziade said that Qatari PR Nasser had expressed concerns about the use of Chapter VII, arguing that introducing Chapter VII into the Lebanese political dynamic would harm the reputation and credibility of the tribunal. He echoed Russian questions about the issues of judges and location. Nasser also repeated Qatari fears about the consequences for Lebanese stability, but said he would report Chatah's views to Doha.

18. (C) Ziade confirmed that the Lebanese continue to consult with OLA. OLA is prepared to respond to any questions from delegations on legal precedents. Chatah is scheduled to meet the missions of China, Indonesia, Italy, Panama, Peru, Slovakia, and South Africa May 22. The Lebanese mission will host a breakfast for P-3 PermReps May 23 and a meeting of P-3 experts in the afternoon; acting Foreign Minister al-Mitri also arrives the afternoon of May 23.

Qatari Considers UNSC Press Statement

19. (C) The Qatari delegation consulted with USUN and other delegations May 21 about a possible press statement on the recent bombings in Lebanon. The Lebanese mission told the Qataris that no action should be taken until Mitri arrive in New York. The Qataris showed USUN a draft statement that merely condemned the bombings, but agreed as of COB May 21 to take no further action at this juncture.
KHALILZAD